

CHAPTER 245, Laws of 1977

AN ACT to create 20.927, 59.07 (136) and 66.04 (1) (m) of the statutes, relating to prohibiting and restricting state and local abortion subsidies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Legislative findings, policy declaration; construction of act. The legislature finds that the state of Wisconsin throughout its entire history has declared the performance of nontherapeutic abortions to be illegal and a crime because they destroy human life, but that since the U.S. supreme court's decisions of January 22, 1973, (*Roe v. Wade*, 410 U.S. 113 and *Doe v. Bolton*, 410 U.S. 179) abortions are being performed on demand and public funds are increasingly being used to pay for them. The legislature further finds that the aforementioned decisions decriminalizing most abortions neither require nor authorize their performance at public expense. The legislature likewise finds that a substantial number of citizens have objections to nontherapeutic abortions for reasons of conscience or on ethical grounds. On the basis of the foregoing findings the legislature reaffirms the positive value of human life for the well-being of this state and its citizens, and also affirms that the encouragement and subsidy of nontherapeutic abortions by federal, state or local governmental bodies is not in the best interests of the people and does not serve the common good. It is therefore declared to be the public policy of this state that nontherapeutic abortions shall not be subsidized. The following statutory provisions shall be broadly construed to effect the objectives set forth in this section.

SECTION 2. 20.927 of the statutes is created to read:

20.927 Subsidy of abortions prohibited. (1) Except as provided under subs. (2) and (3), no funds of this state or of any county, city, village or town or of any subdivision or agency of this state or of any county, city, village or town and no federal funds passing through the state treasury shall be authorized for or paid to a physician or surgeon or a hospital, clinic or other medical facility for the performance of an abortion.

(2) (a) This section does not apply to the performance by a physician of an abortion which is directly and medically necessary to save the life of the woman or in a case of sexual assault or incest, provided that prior thereto the physician signs a certification which so states, and provided that, in the case of sexual assault or incest the crime has been reported to the law enforcement authorities. The certification shall be affixed to the claim form or invoice when submitted to any agency or fiscal intermediary of the state for payment, and shall specify and attest to the direct medical necessity of such abortion upon the best clinical judgment of the physician or attest to his or her belief that sexual assault or incest has occurred.

(b) This section does not apply to the performance by a physician of an abortion if, due to a medical condition existing prior to the abortion, the physician determines that the abortion is directly and medically necessary to prevent grave, long-lasting physical health damage to the woman, provided that prior thereto the physician signs a certification which so states. The certification shall be affixed to the claim form or invoice when submitted to any agency or fiscal intermediary of the state for payment, and shall specify and attest to the direct medical necessity of such abortion upon the best clinical judgment of the physician.

(3) This section does not apply to the authorization or payment of funds to a physician or surgeon or a hospital, clinic or medical facility for or in connection with the prescription of a drug or the insertion of a device to prevent the implantation of the fertilized ovum.

(4) In this section, "abortion" means the intentional destruction of the life of an unborn child, and "unborn child" means a human being from the time of conception until it is born alive.

SECTION 3. 59.07 (136) of the statutes is created to read:

59.07 (136) **SUBSIDY OF ABORTIONS RESTRICTED.** No county or agency or subdivision of the county may authorize funds for or pay to a physician or surgeon or a hospital, clinic or other medical facility for the performance of an abortion except those permitted under and which are performed in accordance with s. 20.927.

SECTION 4. 66.04 (1) (m) of the statutes is created to read:

66.04 (1) (m) *Subsidy of abortions restricted.* No city, village or town or agency or subdivision of a city, village or town may authorize funds for or pay to a physician or surgeon or a hospital, clinic or other medical facility for the performance of an abortion except those permitted under and which are performed in accordance with s. 20.927.
